

Notice of Allowability

Application No.

10/696,372

Examiner

Nikita Wells

Applicant(s)

MERLO, CLIFFORD J.

Art Unit

2881

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to "Response to Office Action and Election" received 21 April 2005.
2. ☒ The allowed claim(s) is/are 1-198.
3. ☒ The drawings filed on 28 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 21 April 2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Nikita Wells
Primary Examiner
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DETAILED ACTION

1. According to the "Response to Office Action and Election" received April 21, 2005, the Applicant chose Group I, claims 1-198 without traverse for the prosecution of the application. Therefore claims 199-216 are cancelled.

Allowable Subject Matter

2. Claims 1-198 are allowed.

3. The following is an examiner's statement of reasons for allowance:

With respect to the independent claims 1, 8, 15, 21, 35, 54, 64, 78, 87, 99, 116, 192, 195, and 197, prior art fails to disclose or make obvious, in combination with other recited features of the claim limitations, a method for mounting at least one radiation treatment block on a radiation treatment block mounting plate comprising: (a) providing at least one radiation treatment block, (b) a radiation treatment block mounting plate with at least one mounting hole or slot that extends at least partially through the radiation treatment block mounting plate from its upper surface, and wherein said mounting hole or slot is positioned to permit radiation treatment blocks having different sizes to be affixed to said radiation treatment block mounting plate; (c) providing affixing means for compressibly affixing said radiation treatment block to said radiation treatment block mounting plate, (d) placing the bottom surface of said radiation treatment block on the upper face of said radiation treatment block mounting plate; (e) attaching the upper portion of said affixing means to said radiation treatment block; (f) placing said lower portion of said affixing means through said mounting hole or slot present in said radiation treatment block mounting plate; (g) securing said lower portion of said affixing means to said radiation treatment block mounting plate; and (h) adjusting said affixing means to compressibly

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and releasably affix said radiation treatment block to said radiation treatment block mounting plate.

The dependent claims 2-7, 9-14, 15-20, 22-34, 36-53, 55-63, 65-77, 79-86, 88-98, 100-115, 117-119, 193-194, 196, and 198, are allowable by virtue of their dependence upon the independent claims 1, 8, 15, 21, 35, 54, 64, 78, 87, 99, 116, 192, 195, and 197, respectively.

With respect to the independent claims 120, 125, 139, 153, 166, 169, 172, 177, 180, 183, and 186, prior art fails to disclose or make obvious, in combination with other recited features of the claim limitations, an adjustable radiation treatment block mounting tray comprising: (a) a substantially rigid frame body, an upper frame body member, a lower frame body member, and opposing side frame body members, said frame body having a generally central opening, and at least one bore for receiving a releasable fastener therein; (b) a plate having an upper face and a lower face, said lower face of said plate being positioned on said top face of said frame body, said plate having at least one mounting hole or slot extending through said plate from said upper face to said lower face for use in mounting a radiation treatment block to said upper face of said plate, and at least one orifice extending through said plate from said upper face to said lower face, with at least one orifice being positioned over at least one bore in said frame body; (c) at least one releasable fastener to releasably secure said plate to said frame body, said releasable fastener having a head portion at one end and a shank portion at an opposite end, said shank portion of each releasable fastener being positioned through an orifice in said plate and inserted into a bore in said frame body, wherein a diameter of said head portion being larger than a diameter of said orifice such that when said releasable fastener is in a fastened position said head portion compressibly secures said plate to said frame body.

The dependent claims 121-124, 126-138, 140-152, 154-165, 167-168, 170-171, 173-176, 178-179, 181-182, 184-185, and 187-191, are allowable by virtue of their dependence upon the independent claims 120, 125, 139, 153, 166, 169, 172, 177, 180, 183, and 186, respectively.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Both Yu et al. (5,438,991) and G.S. Nunan (4,868,844) discloses a method and apparatus for controlling a radiation treatment field on a patient with the use of multileaf collimators.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nikita Wells whose telephone number is (571) 272-2484. The examiner can normally be reached on 8:30 AM - 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Lee can be reached on (571) 272-2477. The central fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Nikita Wells". The signature is fluid and cursive, with the first name "Nikita" and the last name "Wells" clearly distinguishable.

Nikita Wells, Primary Examiner
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June 10, 2005